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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.A No. 921 of 2017**

- Hussaina Bano W/o Sayyed Noor Ali Aged About 48 Years R/o Imlibhata, P. S. City Kotwali, Mahasamund, Tehsil, Civil And Revenue District Mahasamund Chhattisgarh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Mahasamund District Mahasamund Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Anand Shukla, Advocate.

For the Respondent/State : Shri Anil S. Pandey, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****02.02.2018**

1. Apprehending arrest in connection with Crime No.78/2013 registered at Police Station – City Kotwali, Mahasamund, District –Mahasamund, (C.G.), for offences punishable under Section 419, 420, 467, 468, 471/34 of the Indian Penal code, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that applicant has been falsely implicated in this case only because her photograph has been affixed on the sale agreement in question and she is alleged to have impersonated as the real owner. The applicant was never present in the said sale agreement. No case is made out against her, hence, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Learned counsel for the State opposes the bail application and submits that the applicant has been identified by one Sukh Dev Yadav, as a person who impersonated the real land owner – Sandhyarani Sahu, hence, she is not entitled for grant of anticipatory bail.
4. Heard counsel for both the parties and perused the case diary.
5. An agreement of sale of land was executed on 08.08.2009 and about 16 lakhs were received by the executant of the sale agreement, purported to be Sandhyarani Sahu. Later on, the complaint- Bharosa Yadav and Sukhdev Yadav, who had doubts and on verifying it was found that the photograph affixed on the agreement was that on this applicant. The FIR was lodged.
6. Considered. On perusal the case diary, it appears that the applicant was available during the investigation. After completion of investigation the charge-sheet has been filed, which shows that custodial interrogation is not required for the purposes of the investigation of the case against the present applicant and the applicant is a woman, hence, for this reason, this Court is of the opinion that this is a fit case, where the applicant deserves to be

benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd /-

(Rajendra Chandra Singh Samant)

Judge